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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,454	07/13/2004	Robert M. Schmidt	04923 (LC 0159 PUS)	4453
36014 7590 02/05/2007 ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			EXAMINER GLUCHOWSKI, KRISTINA R	
			ART UNIT	PAPER NUMBER
			3676	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/710,454		SCHMIDT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Kristina R. Gluchowski		3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,12 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-11,13-15,17,21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/2/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The request for a continued examination (RCE) filed on 12/29/06 is acknowledged.

Claims 1-3, 5-7, 9-11, 13-15, 17 and 21 are rejected as set forth below. Claims 4, 8, 12 and 16 are withdrawn. Claims 18-20 are cancelled.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 includes the limitation: "said drive train mechanism having a sufficiently high ratio..." It is unclear what "sufficiently high ratio" refers to. From the specification, the examiner would assume "a sufficiently high ratio" is referring to a gear ratio but a gear is not claimed in claim 1. Claim 1 also includes the limitation "a significantly larger movement to operate..." It is unclear what the movement is compared to in order to make it "significantly larger". The examiner has examined the claim "as best understood". Appropriate clarification is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takata (US 2004/0183655) in view of McFarland (US 5743575). Regarding claim 1, Takata teaches a mechanical handle switch assembly integrated within a door of a vehicle and utilized for actuating a vehicle based system, comprising a door handle mechanism (1) coupled to the door for actuation by a user, being movable in a substantially outboard direction for both actuating the vehicle based system and unlatching the door, a drive train mechanism (4) coupled to said door handle

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mechanism and being actuated by said door handle mechanism; a switch device (5) operatively coupled to said drive train mechanism and being selectively operated by said drive train mechanism to actuate said vehicle-based system. Takata fails to show a damping mechanism coupled to one of said door handle and said drive train mechanism for slowing movement of said door handle mechanism and said drive train mechanism. McFarland shows that this is well known in the automotive door handle art. McFarland shows a damping mechanism (30) coupled to a door handle mechanism (12). It would have been obvious to one of ordinary skill in the art to include a damping mechanism with the Takata device as shown by McFarland in order to "reduce shock and noise associated the door handle..." (McFarland, column 1, lines 24-25).

7. Further regarding claim 1, if applicant amends to include a gear mechanism in claim 1 for the drive train and intended the limitation of claim 1 to read "a sufficiently high gear ratio", the examiner would like to note that claim 1 would be rejected under U.S.C. 103 as applied above further in view of Meinke (US 6264257). Meinke shows a motor vehicle door handle assembly having drive train mechanism comprising a gear mechanism (see figures 7 and 9) having a "sufficiently" high gear ratio. It would have been obvious to one of ordinary skill in the art to modify the Takata assembly to include the gear drive mechanism of Meinke in order to reduce wear from repetitive forceful contact between moving parts.

8. Regarding claims 2-3 and 5, Takata shows the door handle mechanism has a lift configuration and is movable within a predetermined travel distance (O-A-B) including a switch-triggering distance (O-A) and an unlatching distance (A-B) that is greater than

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and inclusive of said switch-triggering distance (see Fig. 1B), said door handle mechanism actuating said drive train mechanism and closing said switch device when said door handle is moved a substantially small portion of said predetermined travel distance.

9. Regarding claim 9, Takata teaches a mechanical door handle switch assembly wherein said switch device is biased to an open position (i.e. the drive mechanism pushes the switch).

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takata and McFarland as applied to claim 1 above further in view of Meinke. Takata teaches the applicant's basic inventive concept of a mechanical handle switch assembly but fails to teach a gear mechanism having a cam as the drive train mechanism. Meinke shows this to be old in the vehicle door handle assembly art. Meinke shows a motor vehicle door handle assembly (32) wherein the drive mechanism is a gear mechanism (46 meshes with 64) including a cam mechanism (64). It would have been obvious to one of ordinary skill in the art to modify the Takata assembly to include the drive mechanism of Meinke in order to dampen the movement of the handle and reduce wear from repetitive forceful contact between moving parts.

11. Claims 10-11, 13, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takata and McFarland as applied to claim 1 above further in view of Geil et al (US 6181024). Regarding claim 10, Takata and McFarland teach a passively actuated vehicle system comprising a mechanical handle assembly as applied to claim 1 above, Takata further teaches a controller (i.e. vehicle mounted unit, paragraph



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[0026]), a portable transponder (i.e. the portable unit, paragraph [0026]) carried by a user and utilized for communicating with said vehicle based transponder, a locking mechanism (i.e. door locking mechanism, paragraph [0026]) coupled to said controller for actuation by said controller, said switch device coupled to one of said controller and said vehicle-based transceiver, and in use actuating said vehicle-based transceiver to transmit a challenge signal to said portable transponder; said locking mechanism unlocking said door after said controller determines that said user is an authorized entity. Takata and McFarland fail to teach a vehicle-based transceiver coupled to said controller, Geil shows that it is known in the mechanical door handle switch assembly art to construct a device for unlocking a door including a switch (2) coupled to one of a controller (4) and a vehicle-based transceiver (3), and the switch device for actuating said vehicle-based transceiver to transmit a challenge signal to said portable transponder. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Takata's assembly as taught by Geil, since Geil states in column 1, lines 60-65 that retrofitting a locking system with a transmitter and transponder is simple and advantageous.

12. Regarding claim 11, Takata shows a switch triggering distance "substantially" less than the unlatching distance (see paragraph 8 above).

13. Regarding claim 13, Takata teaches a door handle mechanism having a lift configuration for unlatching the door as applied to claim 5 above.

14. Regarding claims 14 and 15, Takata and McFarland in view of Meinke show a gear mechanism as applied to claims 6 and 7.

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15. Regarding claim 17, Takata shows a switch device biased to an open position as applied to claim 9 above.

16. Regarding claim 21, Takata shows a passively actuated vehicle system wherein the passively actuated vehicle system is a passive entry system for a vehicle.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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KRG *1/12*  
January 30, 2007

A handwritten signature in black ink, appearing to read "Brian E. Glessner", followed by a long horizontal line extending to the right.

BRIAN E. GLESSNER  
SUPERVISORY PATENT EXAMINER